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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



SERIAL NO.	09/909,238
APPLICANT	GERD HOBOM ET AL.
FILED	July 19, 2001
EXAMINER	TO BE ASSIGNED
ART UNIT	1614
FOR	RECOMBINANT INFLUENZA VIRUSES WITH BICISTRONIC vRNAs CODING FOR TWO GENES IN TANDEM ARRANGEMENT

Hon. Assistant Commissioner of Patents
United States Patent and Trademark Office
MAIL STOP SEQUENCE
P.O. Box 1450
Alexandria, VA 22313-1450

August 2, 2004

RESPONSE AND AMENDMENT

Sir:

This communication is in response to the Notice to Comply of June 3, 2004.

Entry of the amendments and consideration of the remarks is respectfully solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

ITEMS BEING SUBMITTED

Submitted herewith is/are

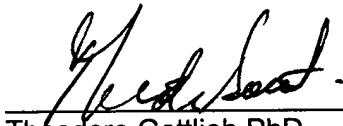
- a) A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 1.821(e) and 1.824.
- b) A paper copy of each "Sequence Listing" submitted for this application, in accordance with the requirements of 37 1.821(e) and 1.824.
- b) A statement that the content of each "Sequence Listing" previously submitted and each computer readable copy are the same, as required in 37 CFR 1.821(g).
- c) A statement under 37 CFR 1.821(g) that the submission includes no new matter.
- d) A copy of the NOTICE TO COMPLY...SEQUENCE DISCLOSURES.

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

I hereby state that each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate. All papers accompanying this submission, or for which a request for transfer from applicant's other application, introduce no new matter.

Respectfully Submitted,

Norris, McLaughlin & Marcus
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Facsimile (212) 808-0844



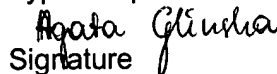
Theodore Gottlieb, PhD
Reg. No. 42, 597

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450; MAIL STOP SEQUENCE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/909,238	07/19/2001	Gerd Hobom	1092-KGB

27384

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NEW YORK, NY 10017

CONFIRMATION NO. 8656

FORMALITIES LETTER



OC000000012859750

Date Mailed: 06/03/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
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*A copy of this notice **MUST** be returned with the reply.*

Feld

Customer Service Center

Initial Patent Examination Division (703) 308-1202

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